

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION

FARRAH M. FARR, PHILLIP BROWN
and KRISTOF & COMPANY, INC.,

Plaintiffs,

v.

KOMMERINA DALING,
JOHN O'SULLIVAN, SARAH
WILSON-BRITT, MATT TATE, and
THE CITY OF GAINESVILLE,
GEORGIA,

Defendants.

CIVIL ACTION FILE
No. 2:22-CV-133-SCJ

ORDER

This matter appears before the Court on Defendants the City of Gainesville's, Sarah Wilson-Britt's, and Matt Tate's Motion to Stay Discovery. Doc. No. [42].¹ Plaintiffs opposed the stay. Doc. No. [43].

¹ All citations are to the electronic docket unless otherwise noted, and all page numbers are those imprinted by the Court's docketing software.

District courts have “broad discretion to stay discovery until the district court rules on a pending dispositive motion.” Panola Land Buyers Ass’n v. Shuman, 762 F.2d 1550, 1558–59 (11th Cir. 1985). See also Chudasama v. Mazda Motor Corp., 123 F.3d 1353, 1366 (11th Cir. 1997) (“[f]acial challenges to the legal sufficiency of a claim or defense, such as a motion to dismiss based on a failure to state a claim for relief, should . . . be resolved before discovery begins.”).

Staying discovery while the Court decides pending dispositive motions increases efficiency and decreases waste. When Defendants Daling and O’Sullivan Answered Plaintiff’s Amended Complaint the discovery period began. Doc. No. [16]; see N.D. Ga. L.R. 26.2(A) (“the discovery period shall commence thirty days after the appearance of the first defendant by answer to the complaint.”). After Defendants Daling and O’Sullivan Answered Defendants City of Gainesville, Ms. Wilson-Britt, and Mr. Tate filed Motions to Dismiss. Doc. No. [17], [26]. Although Discovery has begun, the Court notes that all pretrial deadlines, including initial disclosures, and filing the consolidated pretrial report and discovery plan have been stayed. Doc. No. [39].

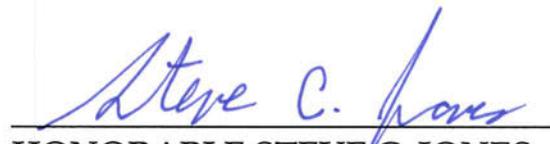
Plaintiff argues that discovery should not be stayed because neither party is prejudiced by the stay, and stays are disfavored. Doc. No. [43], 3–4. The

Eleventh Circuit strongly recommends that district court's stay discovery during the pendency of dispositive motions. "If the district court dismisses a nonmeritorious claim before discovery has begun, unnecessary costs to the litigants and to the court system can be avoided." Chudasma, 123 F.3d at 1368. Defendants City of Gainesville, Ms. Wilson-Britt, and Mr. Tate have moved to dismiss all of Plaintiffs' claims. Doc. No. [26]. These Defendants asserted defenses based upon various immunities and argued that a variety of Plaintiff's claims lack merit. Id. Because these arguments could resolve some or all of Plaintiffs' claims against these Defendants, the Court finds that a stay of discovery is prudent. Accordingly, the Court grants Defendants' Motion to Stay Discovery pending the resolution of the Motions to Dismiss (Doc. Nos. [17], [26]).

CONCLUSION

For the foregoing reasons, the Court **GRANTS** Plaintiffs' Motion to Stay Discovery. Doc. No. [42].

IT IS SO ORDERED this 25th day of January, 2023.



HONORABLE STEVE C. JONES
UNITED STATES DISTRICT JUDGE